

## Probate Status Hearing Re: Filing Final Account

<b>DOD: 5/5/2009</b>	<b>PAT MIRANDA</b> was appointed conservator of the person and estate on 9/30/03.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>	Conservatee died on 5/5/2009.	1. Need final account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
<b>Aff.Sub.Wit.</b>	Second account for the account period ending on 5/5/2009 and an ending property on hand of \$1,440.97 was approved on 4/8/2013.	
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	This status hearing was set for the filing of the final accounting.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		<b>Reviewed on: 6/4/2013</b>
<b>UCCJEA</b>		<b>Updates:</b>
<b>Citation</b>		<b>Recommendation:</b>
<b>FTB Notice</b>		<b>File 1 – McCaslin</b>

## Probate Status Hearing Re: Filing Account

DOD: 11/06/06		<p><b>NAGLAA K. ALAMELDIN</b>, sister, was appointed Administrator with full IAEA and bond of \$190,000.00 on 01/02/07.</p> <p><b>NAGLAA K. ALAMELDIN</b> filed a <b>Status Report of Administration of Estate and Petition to Approve First Account</b> on 09/21/10.</p> <p>The <b>Petition to Approve First Account</b> was continued several times (11 hearings total) and the Court denied the Petition with leave to Amend on 06/04/12.</p> <p><b>Minute Order from hearing on 8/6/12</b> set this matter for status regarding filing the account.</p> <p><b>NOTE: Nothing further has been filed in this case since the Amended I&amp;A was filed on 9-13-11.</b></p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
			<u>Continued from 10-4-12, 11-30-12, 2-1-13</u>	
Cont. from 100412, 113012, 020113, 040513			<u>Minute Order 10-4-12:</u> Counsel advises the Court that he is not in a position to complete the accounting as he is still trying to collect the assets. Counsel requests a continuance. Matter continued to 11-30-12.	
Aff.Sub.Wit.			<u>Minute Order 11-30-12:</u> Counsel informs the Court that there is a judgment for about \$20,000.00 with interest against the actual mother of the children. Matter continued to 2/1/13. The Court informs counsel that it will expect an update at the next hearing as to the progress of the other account and what is being done to collect the judgment. Continued to 2-1-13.	
Verified			<u>Minute Order 2-1-13:</u> Counsel informs the Court that he has been in contact with the State's unclaimed property division. Counsel is directed to submit a status report.	
Inventory			<u>As of 6-6-13, nothing further has been filed since 9-13-11.</u>	
PTC			1. Need Final Account and Petition for Final Distribution or current status report.	
Not.Cred.				
Notice of Hrg				
Aff.Mail				
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
Order				
Aff. Posting		Reviewed by: KT / skc		
Status Rpt	X	Reviewed on: 6-5-11		
UCCJEA		Updates:		
Citation		Recommendation:		
FTB Notice		File 2 - Alameldin		

			<b>George Salwasser is Executor.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
			An Amended and Restated First Account was filed on 1-13-10 and has been continued with reference to additional ongoing matters in this and other related cases.	<u>Continued from 6-25-12, 9-24-12, 11-26-12, 1-25-13, 3-1-13, 4-26-13.</u>
Cont from 062512, 092412, 112612, 012513, 030113, 042613				<b>Note:</b> It is Examiner's understanding that at this point a further amended petition for final distribution is expected from Executor to close the estate once the other related matters are settled. This continued hearing is for status on such expected petition for final distribution.
	Aff.Sub.Wit.		<b>For background, Executor's Status Report filed 10/24/11 states:</b> The purpose of this hearing was to determine whether any further accounting would be necessary as the PrC §850 petitions of the Lillian Salwasser Estate and Walter Salwasser Estate were settled by Settlement Agreement and Release entered into on 6/21/11. Based on the Settlement terms it appears no further accounting should be required for any account reported in the pending Account for accounts held in Decedent or her surviving spouse's names at the time of Decedent's death.  The Probate Estate Account (opened after Decedent's date of death) and collections, if any, on Promissory Notes reported in the Account, would need to be supplemented through date of distribution (Two notes are currently the subject of lawsuits); until there is determination as to the collectability on the Notes, tax matters cannot be finally determined.  A mediation is scheduled for 11/16/11 between George and Gary Salwasser; therefore, a continuance of 4 to 6 months is appropriate under the circumstances.  <b>Since then, the matter has been continued to per stipulation.</b>  <b>Stipulation to Continuance filed 1-17-13 extends the status hearing date for the filing of an amended petition by the Executor to 3-1-13. Order on Stipulation was signed 1-18-13.</b>	<u><b>Status Report and Request for Continuance filed 9-19-12 by Attorney Janet Wright states all matters impeding the filing of the petition appear to have been completed and a draft has been prepared; however, due to an unexpected illness and death in the family of the attorney for the Executor, the draft has not been finalized. Attorney requests 60 days to finalize the petition and continuance to 11-26-12.</b></u>  <b>Note: As of 6-6-13, nothing further has been filed. See updates on Page 2.</b>  1. Need amended petition for final distribution.
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			Reviewed by: NRN / skc Reviewed on: 6-6-13 Updates: Recommendation: File 3A – Salwasser

**Status Report filed 2-28-13 by Attorney Janet Wright states:**

As a result of settlement in mediation, settlement at the MSC in regards to the 850 Petition, and the judgment in the civil action, the following appear to be the only issues remaining to be resolved: Approval of legal fees; and Allocation of fees incurred relating to estate tax matters. As a practical matter, based on the terms and totality of the settlements, no final accounting for the probate estate assets should be required.

A corrected Inventory and Appraisal to show the 850 Settlement amount of \$300,000.00 as the probate assets, in lieu of a tracing of specific accounts, will be filed.

**Counsel is preparing a petition for final distribution on Waiver of Account, which will include a request for approval and allocation of attorney's fees.**

**Minute Order 3-1-13:** Mr. Boyd-Farrell is appearing via conference call for Attorney Michael Farley. Ms. Wright informs the Court that she will be filing a petition. Ms. Wright requests a continuance.

**Status Report filed 4-25-13 by Attorney Janet Wright states** counsel has prepared a draft Petition for Final Distribution on Waiver of Account, which includes a request for attorney's fees for both Wright & Johnson and Baker Manock & Jensen, and a proposed allocation of fees attributable to the audit of the estate tax return as provided in the 10-14-08 settlement.

Counsel has scheduled a meet and confer on 5-16-13 with counsel for Baker Manock & Jensen and Executor George Salwaasser to finalize the petition.

It is anticipated that at the meeting, a corrected I&A reporting the 850 Settlement amount of \$300,000.00 in lieu of a tracing of specific accounts will be signed for filing with the Court.

**Counsel requests continuance to 5-24-13.**

**Minute Order 4-26-13 continued the matter to 9-7-13 and requested that counsel meet and confer regarding any issues.**

**3B Lillian Salwasser (Estate)**

Case No. 07CEPR00104

Atty Matthai, Edith (for Craig A. Houghton – Objector)

Atty Manock, Charles K. (for George Salwasser/Executor of the Estate of Lillian Salwasser)

Atty Chielpegian, Michael S (for Marvin Salwasser/Administratoor with Will Annexed of Walter Salwasser Respondent)

Atty Wright, Janet L. (for George Salwasser/Executor)

Atty Farley, Michael L. (of Visalia, for Gary E. Salwasser - Beneficiary)

**Status Hearing**

<b>George Salwasser is Executor.</b>			<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>1. Need amended account / petition for final distribution.</b>
An Amended and Restated First Account was filed on 1-13-10 and has been continued with reference to additional ongoing matters in this and other related cases.			
This status hearing was set on 4-26-13.			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 6-6-13
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 3B – Salwasser</b>

**3B**

Atty Burnside, Leigh W (for Conservator Randy Woodrum)

Atty Fanucchi, Edward (court appointed for conservatee)

## Probate Status Hearing

Age: 87 years DOB: 1/6/1926		<b>RANDY WOODRUM</b> , son, was appointed as conservator of the person pursuant to stipulation of the parties on 3/7/2013.  Letters issued on 3/22/2013.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Status Report was not verified. Local Rule 7.5B and Probate Code §1021 requires status reports to be verified.
Cont. from		<b>Stipulation states:</b> <ul style="list-style-type: none"> <li>Randy Woodrum's authority to place Norma Woodrum in a care or nursing facility shall be temporary and shall be subject to the court's review in 3 months.</li> <li>Randy Woodrum's authority to authorize the administration of medications appropriate for the care and treatment of dementia shall be temporary and subject to the court's review in 3 months.</li> </ul>	
Aff.Sub.Wit.			
Verified		<b>Unverified Status Report filed on 6/5/2013 states</b> Since Randy's appointment, Norma Woodrum has continued to reside at Orchard Part in the secured portion of the facility for persons with Alzheimer's disease. Randy offered to move his mother to the new Veterans' Home, once it opens, but she state that she would prefer to stay at Orchard Park, where she has a private room.	
Inventory			
PTC		Leigh Burnside, Counsel for Randy, telephoned Mr. Fanucchi on 6/4/13, to see whether he had any concerns regarding the conservatorship. Mr. Fanucchi was not available, so Ms. Burnside left him a voicemail message. Ad of the date of the Status Report, counsel is waiting to hear from Mr. Fanucchi whether he has had an opportunity to visit with his client and whether he is satisfied with the manner in which the conservatorship is proceeding.	
Not.Cred.			
Notice of Hrg		<b>Reviewed by: KT</b>	<b>Reviewed on: 6/4/13</b>
Aff.Mail			
Aff.Pub.		<b>Updates: 6/6/2013</b>	<b>Recommendation:</b>
Sp.Ntc.			
Pers.Serv.		<b>File 4 – Woodrum</b>	
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Age:				<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>OFF CALENDAR</b></u> <u><b>CONSERVATORSHIP</b></u> <u><b>TERMINATED ON 05/30/2013</b></u>
DOD:				
Cont. from				
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: LV Reviewed on: 06/04/2013 Updates: Recommendation: File 5B – King	

**Atty Agrall, Tracy A. (sole practitioner, for Gail Burson – Objector)**

**Second Account and Report of Co-Trustees, and Petition for Its Settlement [PC 17200(b)(5) and (9)]**

6



## Page 2

**Objections to Approval of Second Account and Report of Co-Trustees filed 5-2-13 by Gail Burson states:**

- The petition fails to disclose the existence of mineral interests.
- The petition alleges fees paid for services were charged one-half to income and one-half to principal when the account shows certain charges are allocated entirely to principal.
- The petition is inconsistent with the Special-Purpose Financial Statements and Supplemental Schedules Complied 10-1-11 to 4-30-12. Objector states the accountant's report provided in July 2012 (the "April Accounting") addresses a portion of the time period in the report currently before the Court. For whatever reason, rather than seeking approval of the April Accounting, an entirely new version is created and presented for approval here that contains material changes.

Specifically, the April Accounting shows disbursements of \$17,000 to each beneficiary. Here, these disbursements are gone, with no explanation. Also, fees paid for services rendered by accountants and attorneys are treated differently.

Objector had been waiting for what was represented to be the "final accounting" for months. An email from trustees indicated that final distributions were expected in May. Objector received answers and requested information to address her concerns for all items except the amount of attorney fees expended.

Objector states the final distributions are now held back with no indication when this matter will be wrapped up. Objector requests the Court set a date for closure of this trust and final disbursement.

- The amount of attorney's fees has not been validated. Objector states the attorney fees since the previous accounting were significantly higher in the April Accounting than in the first accounting. Because the attorneys were also defending one of the co-trustees in a separate litigation matter brought by Objector, it was important to insure that the Trust was not paying for the defense of an individual. The attorney refused to provide records, claiming attorney client privilege. Objector suggested a third party neutral review the entries to determine if they were properly chargeable to the Trust. Objector received no response. Rather, this action of approval of a different accounting was filed four months later.

**Objector requests that this Second Account be amended to show the mineral interest as an asset of the trust, an explanation of the allocation of fees and why disbursements are being withheld. Objector renews her request for an examination of the attorney fee records to make sure they are proper charges to the trust, and requests that the Court set a date for a final distribution of assets and closure of the trust.**

***Note: No order on the Objections was submitted.***

**Petition to Determine Succession to Real Property (Prob. C. 13151)**

<b>DOD: 11/15/12</b>		<p><b>PAMELA LASSWELL</b>, successor Trustee of the Morris E. Linder Revocable Living Trust, is Petitioner.</p> <p>40 day form DOD.</p> <p>No other proceedings</p> <p>Will dated: 4/19/1996 devises entire estate to the Morris E. Linder Revocable Living Trust.</p> <p>I &amp; A - \$27,500.00</p> <p><b>Petitioner requests</b> court determination that Decedent's 100% interest in real property located at 3319 S. Cherry Avenue in Fresno passes to her as Trustee of the successor Trustee of the Morris E. Linder Revocable Living Trust.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
<b>Cont. from 040913</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> W/O		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 6/3/2013</b></p> <p><b>Updates:</b></p> <p><b>Recommendation: SUBMITTED</b></p> <p><b>File 7 - Linder</b></p>	

			<b>ESTELLA MATHISON</b> is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
			Petitioner states she is the daughter of John N. Mares and Frances M. Mares, and is a beneficiary of the John Mares and Frances Mares Living Trust dated May 30, 2000.	<b>Continued from 4/29/13.</b> Minute Order states Mr. Phillips appearing via Court Call. Mr. Teixeira is to provide his clients address to Mr. Phillips.
<b>Cont. from 042913</b>				
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>		John Mares died on 10/23/2001. Frances M. Mares died on 1/21/2004. Since January 21, 2004, Petitioner's brother, <b>STEVE M. MARES</b> , became the successor Trustee of the Trust.	
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>		The Trustee has never provided Petitioner with an accounting. On 12/28/2012, Petitioner demanded that the Trustee provide Petitioner with an account. To date, the Trustee has failed to prepare and provide Petitioner with an accounting.	
✓	<b>Aff.Mail</b>	W/		
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>		<b>Petitioner prays for an Order that:</b>	
	<b>Objections</b>		1. Trustee Steven M. Mares be instructed to prepare and file with this Court an account of the Trust;	
	<b>Video Receipt</b>		2. Trustee Steven M. Mares be instructed to petition this Court for the settlement of the account and give notice of the hearing on the petition;	
	<b>CI Report</b>		3. The court order such attorney fees and costs as may be allowable by law.	
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
				<b>Reviewed by: KT</b>
				<b>Reviewed on: 6/3/13</b>
				<b>Updates:</b>
				<b>Recommendation:</b>
				<b>File 8 – Mares</b>

## Status Hearing

	<b>STEPHEN RONALD CLOUD</b> was		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <div><b><u>OFF CALENDAR</u></b></div> <b>Order Approving Sixth and Final Account and Report of Conservator of the Person and Estate of Conservatee was filed 3-6-13.</b>  <b><u>Note: Page 11 is the related estate matter.</u></b>
	Conservator, and is currently Executor of the former conservatee's estate in 06CEPR00768.		
	<b>Minute Order 3-4-13:</b> Ms. Wright notes for the record that she is appearing specially for Elaine Cloud. The Court notes for the record that all prior appearances by Ms. Wright have been special appearances on behalf of Elaine Cloud. Mr. Perkins stipulates that Elaine Cloud is not a party to this action and has not received, nor is entitled to notice. Ms. Sanoian concurs. Ms. Wright informs the Court that she will be filing some objections. Parties reach a resolution as set forth by Mr. Perkins. The Court approves the petition as amended. Set on 6/7/13 at 9am in Dept 303 Status. Petition is Granted. Order to be signed ex parte.		
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

**Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$500.00**

		<p><b>HELEN WILSON</b> is the Trustee of the Jude Tinsley Special Needs Trust.</p> <p>On 4/18/2013 the Court approved the Eighth Account of the Jude Tinsley Special Needs Trust and ordered \$8,500.00 to be placed into a blocked account.</p> <p>Order to Deposit Money into Blocked Account was signed on 4/18/2013.</p> <p>A status hearing was set on 5/24/2013 for the filing of the Receipt for Blocked Account.</p> <p>At the hearing on 5/24/2013 there were no appearances and the Receipt for Blocked Account had not been filed.</p> <p>Receipt for Blocked Account filed on 6/3/2013.</p> <p><b>Minute order (Judge Donald Black) dated 5/24/13</b> states the Court sets the matter for an Order to Show Cause regarding failure to appear and imposition of sanctions in the amount of \$500.00. The Court orders Curtis Rindlisbacher to be personally present on 6/7/2013.</p> <p>Order to Show Cause and a copy of the Minute order was mailed to Curtis Rindlisbacher on 5/24/2013.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
<b>Cont. from</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

<b>Reviewed by: KT</b>
<b>Reviewed on: 6/4/2013</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 10 – Tinsley</b>

## Probate Status Hearing Re: Filing First Account and Inventory &amp; Appraisal

<b>DOD: 4-19-04</b>	<b>STEPHEN RONALD CLOUD</b> was appointed Executor with full IAEA without bond on 8-29-06 and Letters Issued 8-30-06.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont from 121312, 011413, 021113, 030413</b>	Inventory and appraisal was due 12-29-06.	<b>Note:</b> The Order Approving Sixth and Final Account and Report of Conservator of the Person and Estate of Conservatee in 0458379 was filed 3-6-13. Therefore, status hearing for the conservatorship matter was taken off calendar.
<b>Aff.Sub.Wit.</b>	First account or petition for final distribution was due 8-30-07.	
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	<b>Status Report filed 11-6-12 by attorney Perkins states</b> this estate is dependent on the receipt of assets from the conservatorship estate. The Conservator has refiled his Sixth and Final Account that is set for hearing on 12-13-12. Immediately upon settling, Executor will prepare and file an Inventory and Petition for Final Distribution to close the decedent's estate.	<b>Note:</b> Now that the conservatorship estate has concluded, it appears this estate matter can go forward.
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>	<b>Declaration of Stephen Ronald Cloud in Response to Order to Show Cause filed 11-6-12 states</b> he was not able to file an inventory or otherwise proceed because the conservatorship assets have not yet been delivered to the estate. Executor hopes the Court will realize that he has done all he could to act as Executor and hopes that he will not be sanctioned. Executor sincerely apologizes to the Court and its staff for the unusual amount of the Court's time that has been taken while he has tried to conclude the Conservatorship and this matter.	<b>1. Need Inventory and Appraisal</b>
<b>Objections</b>		<b>2. Need First Account or Petition for Final Distribution or written status report pursuant to Local Rule.</b>
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		<b>Reviewed by:</b> skc
<b>Status Rpt</b>		<b>Reviewed on:</b> 6-6-13
<b>UCCJEA</b>		<b>Updates:</b>
<b>Citation</b>		<b>Recommendation:</b>
<b>FTB Notice</b>		<b>File 11 - Cloud</b>

**Cont. from 020613,  
041213, 051013**

<b>Aff.Sub.Wit.</b>	
<b>Verified</b>	
<b>Inventory</b>	
<b>PTC</b>	
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<b>Aff.Mail</b>	
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<b>Duties/Supp</b>	
<b>Objections</b>	
<b>Video Receipt</b>	
<b>CI Report</b>	
<b>9202</b>	
<b>Order</b>	
<b>Aff. Posting</b>	
<b>Status Rpt</b>	
<b>UCCJEA</b>	
<b>Citation</b>	
<b>FTB Notice</b>	

**NATALIE C. SULLIVAN** was reappointed as Successor Trustee without bond pursuant to agreement of the family and Minute Order 10-19-11.

The Public Guardian, former Successor Trustee, presented his First and Final Account, which was settled on 3-7-12.

**Minute Order 3-7-12** states Mr. Fanucchi advises the Court that all the properties have been rented or are in a position to be rented. The Court set this status hearing Re Accounting.

**Status Report filed 1-31-13 by Attorney Fanucchi** states the trustee has delivered the bank statements and her accounting of receipts and disbursements since she became successor trustee to her attorneys. The paralegal is currently preparing the accounting petition and schedules which should be ready for filing by the end of February 2013.

**Minute Order 2-6-13:** Counsel informs the Court that the status statement has been filed however, he has received numerous documents. Matter continued to 4/12/13. The Court directs counsel to submit a declaration regarding the status of Rachel. Continued to 4/12/13.

**Minute Order 4-12-13:**  
No appearances. The Court sets the matter for an Order to Show Cause on 5/10/13 regarding failure to appear and imposition of sanctions in the amount of \$500.00. The Court orders Edward L. Fanucchi to be personally present on 5/10/13. In addition, Edward L. Fanucchi is ordered to file a status report one week before the next hearing. Continued to 5/10/13 at 9:00am in Dept. 303. Set on 5/10/13 at 9:00am in Dept. 303 for Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$500.00. **(See OSC – Page 9B)**

**Status Report filed 4-18-13** (unverified) states schedules have been completed, but they do not balance. The successor trustee is currently going through records to ascertain the difference between credits and charges. It is anticipated that the accounting will be filed in the next four weeks.

**NEEDS/PROBLEMS/COMMENTS:**

**Background:** Per the trust, the trustees are required to pay to or apply for the benefit of Eddie Ortega, son of Trustors, for the duration of his life, after which time the trust is to be distributed to other sibling beneficiaries.

On 3-18-10, on petition by the current Successor Trustee Natalie C. Ortega Sullivan, the Court removed Co-Trustees Rachel Dominguez and Connie Ortega Ariaz and appointed the Public Guardian as Successor Trustee. In addition, Rachel Dominguez was found to have misappropriated funds and was surcharged \$330,612.28.

On 10-19-11, on petition by the current Successor Trustee Natalie C. Ortega Sullivan and agreement between family members, the Court removed the Public Guardian as Successor Trustee and appointed Natalie C. Ortega Sullivan as Successor Trustee.

**Minute Order 10-19-11:** Counsel advises the Court that the family has signed an agreement to have Natalie handle the trust. He further advises that there are eight homes all together and three of them are on Dakota. The Court grants the petition.

The Court advises counsel that it will be expecting some closure as to Rachel at the First Accounting.

The Order dated 10-19-11 also requires the Successor Trustee to file annual accountings detailing her acts as successor trustee.

**Note:** Natalie C. Ortega Sullivan resides in Haverhill, Massachusetts.

1. **Need account.**
2. **Need update regarding Rachel Dominguez**

**Note:** Status Reports should be verified by the fiduciary pursuant to Probate Code §§ 1021, 1023.

**Reviewed by:** skc

**Reviewed on:** 6-6-13

**Updates:**

**Recommendation:**

**File 12 - Ortega**

Atty Lind, Ruth P (for Petitioner/Executor James Louis Roberts)  
 Atty Bagdasarian, Gary for Objectors Anna B. Hinley and Frances Albers)  
 Atty Roberts, Greg

## Status Hearing Re: Settlement Agreement

		<p><b>JAMES LOUIS ROBERTS</b>, Executor, filed a petition for determination of the beneficiaries under the will and for final distribution .</p> <p>Executor requested the court find that West Park Baptist Church was the beneficiary of the remaining estate consisting of \$119,359.98.</p> <p><b>ANNA B. HINLEY and FRANCES ALBERS</b>, Trustees of the Chester and Lorene Living Trust dated 4/12/07 filed objections requesting distribution of 50% interest in the net Estate be made to the Chester and Lorene Living Trust dated 4/12/2007, and that the Estate be ordered to reimburse Gary Bagdasarian the sum of \$18,095.71 as compensation for services on behalf of the Objectors.</p> <p><b>Minute Order 1-2-13:</b> Greg Roberts appearing via conference call. Ms. Lind objects to the payment of fees to Mr. Bagdasarian's client. The Court sets a Settlement Conference on 3/4/13. The Court directs counsel to submit their Settlement Conference Statements on week before the hearing. Matter set for Court Trial on 3/15/13 with a one day estimate.</p> <p><b>Minute Order 3-4-13:</b> Also present in the courtroom are Donna Wyatt and Gail Brown. Frances Albers is appearing via conference call. Parties reach a settlement agreement as fully stated on the record by Mr. Roberts. Parties agree that the trust will waive any and all claims as to the Probate estate. In addition, parties agree to waive further accountings of the trust and estate and all objections are withdrawn. Upon inquiry by the Court, each party individually agrees to the terms and conditions of the settlement agreement. Mr. Roberts is directed to prepare the settlement agreement. The settlement agreement and order regarding the withdrawals from the blocked account(s) to be submitted on an ex parte basis. Set on 3/29/13 at 9am in Dept 303 for Status Re: Settlement Agreement</p> <p><b>Order signed 3-15-13 provides at #8: "The beneficiary of the amount of \$119,359.98 will be covered in the Settlement Agreement."</b></p>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><u>Minute Order 3-29-13:</u> Mr. Bagdasarian informs the Court that they are waiting on the final document to be executed.</p> <p><u>Minute Order 5-10-13:</u> Mr. Roberts advises the Court that he has all the changes to the agreement and all he needs to do is put it together. Mr. Roberts further advises that he may have the final version out to everyone today.</p> <p><u>Note:</u> Status Report filed 6-5-13 states no response has been received from the other counsel. Proposed agreement is attached, but not signed.</p> <p>1. Need Settlement Agreement and Order for Distribution according to Settlement Agreement.</p>
Cont. from 032913, 051013			
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Sp.Ntc.		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 6-6-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 - Beeler</b></p>	
Pers.Serv.			
Conf. Screen			
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✓ Status Rpt			
UCCJEA			
Citation			
FTB Notice			



## Page 2

**Status Report filed by Gary Bagdasarian, attorney for beneficiaries Anna B. Hinley and Frances Albers, states** Attorney Gregory J. Roberts was asked to prepare and has provided a draft Settlement Agreement. Attorney Bagdasarian has provided proposed changes. A final Settlement Agreement has not been received as of 5-8-13. Upon receipt, the attorney will review and provide any final requests for modifications and approval.

**Status Report filed by Ruth P. Lind, attorney for Executor James Louis Roberts, states** the proposed agreement did not accurately reflect the agreement of the parties. Stefanie Krause prepared a form of suggested revisions and emailed them to Mr. Roberts and Mr. Bagdasarian on 3-25-13. On 3-30-13, Mr. Roberts responded that Mr. Bagdasarian's changes were not included in her revision, but that if it was sent in Word, he would incorporate all changes into one new document. The document was sent as requested to Mr. Roberts on 4-1-13.

Mr. Roberts and his clients did not attend the status hearing on 3-29-13 and the Court continued the matter to 5-10-13. Stefanie Krause followed up with an email to Mr. Roberts on 5-4-13; however, to date, there has been no communication from Mr. Roberts.

**Status Conference Declaration filed 6-5-13 by Attorney Gregory J. Roberts for Trustee Gail Brown states on 5-24-13, he emailed to counsel Ruth Lind, Stefanie Krause and Gary Bagdasarian what he believed to be a final settlement (attached). He has not heard anything from counsel regarding additional changes or whether or not the agreement as written is acceptable. He emailed again on 6-5-13.**

**Attorney Roberts believes the matter has settled and the attached agreement correctly reflects the agreement of all parties with all of the changes made by counsel.**

**Note: The settlement agreement attached, which provides for a distribution of \$69,000.00 to the 2007 Trust, with the assets remaining to be used for costs and fees of administration, with the remainder to West Park, is not signed.**

Atty Jaech, Jeffrey A. (for Conservatee)

Atty Amador, Catherine A. (for Michael H. Smith, Sr. – son)

Atty Kruthers, Heather H. (for Public Guardian – Conservator)

## Status Hearing Re: Filing of the Inventory and Appraisal

Age: 85	<p><b>PUBLIC GUARDIAN</b> was appointed Conservator of the Person and Estate on 01/13/13.</p> <p><b>Status Conference Statement</b> filed 05/31/13 by Michael H. Smith, Sr. states: The parties are currently awaiting the completion of the Inventory &amp; Appraisal by the Public Guardian. Declarant states that conservatee's grandson, Michael H. Smith, Jr. ("Butch") has failed to provide certain bank account records required by the Public Guardian, despite his previous assurances to the Court that all such records would be provided promptly. Months have passed and these records are needed to determine the use of certain funds belonging to conservatee which were distributed to Butch for the benefit of the conservatee. The Conservator's inability to obtain these records is preventing them from completing the Inventory &amp; Appraisal.</p> <p>Once the Inventory &amp; Appraisal is complete, the parties need to collaborate to divide the community estate belonging to conservatee and his deceased wife, so that her portion of the estate can be distributed according to her estate plan. This work is also being delayed due to the lack of cooperation demonstrated by Butch.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>CONTINUED FROM 03/22/13</u></p>
<b>Cont. from 032213</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
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<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 06/04/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 14 - Smith</b></p>	

Atty

Bell, Melinda S., sole practitioner of San Juan Capistrano (for Lee Ann Hitchman and Bruce Hitchman, professional fiduciaries, Co-Trustees)

## Status Hearing Re: Kyle's Benefits

Age: 12 years		<b>LEE ANN HITCHMAN and BRUCE HITCHMAN</b> , professional fiduciaries, were appointed Co-Trustees of the <b>KYLE YANG SPECIAL NEEDS TRUST</b> on 1/5/2012.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Notes for background:</u> <ul style="list-style-type: none"> <li>This Court established on 1/5/2012 the <b>KYLE YANG SPECIAL NEEDS TRUST</b> funded with the proceeds of a litigation settlement in a Fresno Superior Court Minor's Compromise case involving Kyle Yang, a 12-year-old minor victim of a house fire who sustained severe second and third degree burns to his face, neck, and both upper extremities, and who has been diagnosed with Post-Traumatic Stress Disorder, Major Depressive Disorder, Reading Disorder, and Insomnia. The SNT authorizes Co-Trustees to utilize a Government Benefits Advisor and a Care Manager.</li> <li>Co-Trustees requested in the <i>First Account and Report of Trustee, etc.</i>, instructions from the Court regarding payment to a Government Benefits Advisor, which the SNT terms authorize the Trustee to engage for advising the Co-Trustees concerning the availability of government benefits for the beneficiary, including but not limited to Supplemental Security Income (SSI) and Medi-Cal, which the beneficiary is not currently receiving but may be entitled to, as well as In Home Support Services (IHSS) and Regional Center Benefits.</li> <li>The entirety of the <b>\$6,653.04</b> in disbursements listed on <i>Schedule C</i> of the <i>First Account and Report of Trustee, etc.</i>, were paid for bond premiums, notaries, advisory fees, and court-approved attorney fees, indicating that no funds were paid from the SNT for special needs of Kyle Yang in that period; ending property on hand as of 11/30/2012 was <b>\$226,740.77</b>.</li> </ul>
DOB: 8/11/2000			
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
✓	Status Rep.		
	Not.Cred.		
Notice of Hrg		<b>Minute Order dated 3/4/2013</b> from the hearing on the <i>First Account and Report of Trustee</i> states Ms. Bell is appearing via conference call. Counsel informs the Court that the language barrier has not been an issue as the aunt has been communicating with the beneficiary's parents to the extent that there has been complete communication. The Court grants the petition and authorizes the Benefits Advisor and Care Manager to each receive up to <b>\$2,500.00</b> . Counsel is directed to submit a revised order.	
Aff.Mail			
Aff.Pub.			
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Pers.Serv.			
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Letters			
Duties/Supp			
Objections			
Video Receipt			<b>Order on First Account and Report of Trustee, etc., filed 3/13/2013</b> set a status review hearing on 6/7/2013 at 9:00 a.m. for report on the services of the Care Manager and Government Benefits Advisor.
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<b>Status Report by the Trustees of the Kyle Yang Special Needs Trust filed 6/5/13 states:</b> <ul style="list-style-type: none"> <li>At the hearing on 3/4/2013, the Court authorized the Trustees of the Kyle Yang Special Needs Trust to engage the services of a care manager up to an amount of <b>\$2,500.00</b> and requested a report on the services of said care manager to be submitted and set this status hearing;</li> </ul> <p><b>~Please see additional page~</b></p>	
		<b>Reviewed by:</b> LEG	
		<b>Reviewed on:</b> 6/3/13	
		<b>Updates:</b> 6/5/13	
		<b>Recommendation:</b>	
		<b>File 15 – Yang</b>	

**Status Report by the Trustees of the Kyle Yang Special Needs Trust filed 6/5/13, continued:**

- Trustees were also granted authority to spend up to **\$2,500.00** to engage the services of a government benefits advisor;
- Trustees worked with the Beneficiary's family to identify the following government benefits that the Beneficiary, Kyle Yang, currently receives:
  - (a) Kyle's current medical care is provided by Medi-Cal through its managed care provider, CalViva;
  - (b) Kyle and his family currently receive TANF food stamp benefits;
- Trustees worked with Kyle's parents and his older sister Mai Yang (who interprets) to determine the following background information for the care manager:
  - (a) Kyle's mother works at a janitorial company weeknights from 6:00 pm until 2:00 am;
  - (b) Kyle's father states that he is disabled and only able to work limited hours at a family friend's convenience store; Mr. Yang is not receiving Social Security Disability Insurance payments for unknown reasons;
  - (c) Kyle lives in a modest home with 6 of his 8 surviving siblings and both parents; Kyle and his family are Hmong immigrants and speak primarily the Hmong language at home; Kyle is fluent in both written and verbal English;
  - (d) Kyle is enrolled in his local public school and does not receive any intervention resources; Kyle's older sister, Mai, initially indicated to the Trustees that Kyle does not have any academic challenges, but upon further investigation by the Trustees, they have learned that Kyle appears "slow" in doing his school work and he is experiencing difficulty with his grades dropping;
- Kyle does not currently receive SSI benefits, Regional Center Benefits, or an Individual Education Plan;
- Trustees investigated care managers in Kyle's local area; Trustees engaged the services of **CINDIE VAN NOY**, Certified Professional Care Manager, for the specific purpose of providing a care management assessment report and to identify appropriate resources for Kyle in the following areas:
  - (a) Psychiatric and behavioral health;
  - (b) Psychosocial development;
  - (c) Academic/educational development;
  - (d) Physical/medical health.
- As background information, the Trustees supplied the care manager with the medical records they were provided during the end stages of litigation of the personal injury matter; the Trustees do not have access to Kyle's current medical records;
- The care manager's assessment report (*copy attached as Exhibit A*) and the care manager's list of local resources (*copy attached as Exhibit B*) were provided to the Trustees for information and reporting purposes, and to Kyle's parents so they can follow up with those resources in an effort to provide Kyle with services he needs;
- There are a wide range of resources available but it is the care manager's belief that Kyle needs to start with the psychosocial development resources;
- Based upon a review of the care manager's assessment and report, the Trustees have concluded that Kyle and his parents need to become more involved in community resources to assist burn patients; by becoming involved in activities that serve individuals with burn injuries such as camps for children or local support groups, the care manager expects that Kyle's parents will then be directed to a myriad of additional appropriate resources, i.e. plastic surgeon, if appropriate;

**~Please see additional page~**

**Status Report by the Trustees of the Kyle Yang Special Needs Trust filed 6/5/13, continued:**

- The care manager has reported to the Trustees that she especially believes that Kyle needs a mentor, who can lead him as he develops further as a young man;
- Trustee, Lee Ann Hitchman, and the care manager investigated a number of camps for burn victims and made suggestions to Kyle and his parents; of particular interest was a local camp for burn injured children, Champ Camp, that would provide a weeklong camp experience to Kyle at no cost; the only action required by Kyle's parents was to enroll Kyle and complete forms within a few weeks of being notified by the Trustee and Case manager, as the camp was willing to extend the deadline for Kyle's registration;
- Cindie VanNoy had discussed camps with Kyle, his parents, and older sister during her in-home assessment and it appeared to her that Kyle was interested and willing to go; the Trustee further reported to Kyle and his family that transportation expenses could be paid for by the Trust; however, no action was taken and when the Trustee followed up, she was informed by Kyle's sister, Mai Yang, that Kyle did not wish to attend; it is unknown if this was a result of Kyle's possible separation anxiety, self-esteem issues, or other unknown fears, or if the family culturally disagrees with the recommendations;
- Based upon a review of the care manager's assessment, it is clear that Kyle would greatly benefit from consul with qualified plastic surgeon who specializes in burn scar revisions; the care manager has made a recommendation to a local plastic surgeon (*noted in Exhibit B*); the Trustees are aware that Shriners's Children's Hospital is located ~3 hours from the family's home and will also suggest this resource to Kyle's parents for a consultation and follow up;
- Unfortunately, Kyle's family appears to be either unable or unwilling to start the process of seeking available resources; this is most likely due to language and cultural factors, as well as the reality that Kyle's parents have to focus on providing the basics for their very large family;
- In the event that Kyle's parents do not follow through with participation in such recommendations as support groups and activities for children with burn injuries to assist Kyle with self-esteem issues, psychiatric treatment should be implemented immediately for Kyle's benefit;
- In conjunction with psychiatric treatment, psychotherapy with his family should also be sought;
- The Trustees could continue the services of the care manager to assist the family in follow through of all recommendations; however, this will require parental involvement and commitment to ensure they obtain these resources for Kyle;
- Trustees have not engaged a government benefits advisor as of yet because of a lack of medical records to support applications for SSI and Regional Center services; after receipt of treatment records showing medical evidence of significant disability, Trustees will engage the services of a government benefits advisor to assist the family in obtaining additional benefits for Kyle.

**Exhibit A, Summary of Assessment and Recommendations Report ("Care Manager Report") dated 4/24/2013** provides a narrative regarding the care manager asking Kyle's parents about their thoughts on using special needs trust funds to benefit Kyle, and his parents indicating they were having difficulty thinking of things that would benefit Kyle. *Care Manager Report* states Kyle's sister mentioned the need for shoes and clothing items, and that Kyle indicated some interest in summer camps and counseling but was somewhat hesitant with considering new situations. *Care Manager Report* also reports that Kyle stated he would like a cellular phone, and that Kyle and his family also expressed interest in further cosmetic surgeries which they are uncertain if Medi-Cal would cover.

**~Please see additional page~**

**Status Report by the Trustees of the Kyle Yang Special Needs Trust filed 6/5/13, continued:**

*Care Manager Report* provides the following recommendations in the *Summary* portion:

1. Kyle have psychological testing and reassessment to address current fears and anxieties; Kyle expressed concerns about his appearance and what others think about him;
2. Kyle's parents meet with his school staff to request that Kyle be evaluated to assess if he has a learning disability; Kyle reports difficulties with school work and may need additional support to ensure that he does not fall behind; Kyle may benefit from one-on-one tutoring or technology to help improve learning;
3. Kyle participate in Champ Camp 2013, a local summer camp for burn-injured children;
4. Kyle and his parents participate in the Burn Support Group at the Leon S. Peters Burn Center located at Community Regional Medical Center;
5. Work with cosmetic surgery physician to review treatment plan and determine if additional cosmetic surgery would be covered by Medi-Cal or if a request should be made to use SNT funds to cover cost; Kyle expressed a desire for further cosmetic surgery to improve his appearance;
6. Parents work with Kyle to identify summer activities and/or camps that would be a positive experience for him; Kyle was interested in swimming and sports camps for basketball;
7. Care management services as needed to help Kyle and his family identify and access care and services to improve Kyle's quality of life and help support his development into adulthood.

**Note:** One topic that was raised by Kyle as stated in the *Care Manager Report* which does not appear to be addressed in the above recommendations is Kyle's specific statement that he would like a cellular phone. Considering Kyle's age and the fact that he will be a teenager in August, it appears the purchase of a cellular phone for his use, including the payment of a service plan, may be appropriate and advantageous expenditures for him from the SNT for the purpose of enhancing the quality of his life, and such purchase is specifically covered in the SNT terms in Section 4(p) permitting disbursements for such technological equipment as may enhance Kyle's quality of life.

Probate Status Hearing Re: Filing of Inventory and Appraisal

		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>OFF CALENDAR.</u></b> Final inventory and appraisal was filed on 2/26/2013.
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Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 6/4/2013
		Updates:
		Recommendation:
		File 16 – Smith

<b>DOD: 06/22/2012</b>	<b>KAREN K. WILLIAMS</b> , was appointed as administrator with limited authority without bond and ordered to have \$170,000.00 deposited into a blocked account.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Because the Blocking order was signed on 06/04/2013 the status hearing for the receipt of the blocked account should be continued to 07/05/2013 to allow time for Ms. Williams to get the receipt.
<b>Cont. from 051013</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
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<b>Objections</b>		
<b>Video Receipt</b>		
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<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> LV <b>Reviewed on:</b> 06/04/2013 <b>Updates:</b> <b>Recommendation:</b> File 17 – Williams



**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>Age: 20 years</b> <b>DOB: 4/23/1993</b>		<b>DEBRA PASLEY</b> was appointed conservator of the person and estate on 3/5/2013 with bond set at \$15,000.00.  Bond filed on 3/27/2013.  Letters issued on 3/28/2013.  Minute order dated 3/5/2013 set this status hearing for the filing of the inventory and appraisal.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>OFF CALENDAR.</b> Inventory and Appraisal filed on 6/5/13.
<b>Cont. from</b>			
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<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by: KT</b> <b>Reviewed on: 6/4/2013</b> <b>Updates: 6/6/13</b> <b>Recommendation:</b> <b>File 18 – Pasley</b>

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>DOD: 09/19/12</b>	<b>BRETT ALAN TODD</b> , was appointed Executor with full IAEA without bond on 12/13/12.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <p style="text-align: center;"><b><u>OFF CALENDAR</u></b>  <b>Final Inventory &amp; Appraisal</b>  <b>Filed 05/20/13</b></p>
<b>Cont. from 051013</b>	<b>Letters Testamentary</b> were issued on 12/13/12.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>	<b>Inventory &amp; Appraisal, partial No. 1</b> filed <b>02/01/13</b> - \$133,750.00	
<b>PTC</b>		
<b>Not.Cred.</b>	<b>Inventory &amp; Appraisal, partial No. 2</b> filed <b>01/14/13</b> - \$70,000.00	
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>	<b>Inventory &amp; Appraisal, partial No. 3</b> filed <b>02/25/13</b> - \$324,100.00	
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>	<b>Inventory &amp; Appraisal, partial No. 4</b> filed <b>04/12/13</b> - \$15,843.61	
<b>Conf. Screen</b>		
<b>Letters</b>	<b>Inventory &amp; Appraisal, Final filed</b> <b>05/20/13</b> - \$9,018.36	
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 06/04/13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 19 – Sheely</b>

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>DOD: 4/15/2012</b>		<b>DAWNETTE MYERS</b> was appointed as Administrator with full IAEA authority and without bond on 1/9/2013.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Letters issued on 1/11/2013.	2. Need inventory and appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
<b>Cont. from</b>		<b>Minute order dated 1/9/2013</b> set this status hearing for the filing of the inventory and appraisal.	
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 6/4/13</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 20 – Myers</b>

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>DOD: 7/1/2012</b>		<b>MICHELLE CODDE</b> was appointed Executor with full IAEA authority and without bond on 1/10/2013.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Letters issued on 1/14/2013.	<p>1. Need final inventory and appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
<b>Cont. from</b>			
<b>Aff.Sub.Wit.</b>		Inventory and appraisal, part 1, filed on 4/17/2013 - \$130,000.00	
<b>Verified</b>			
<b>Inventory</b>		Inventory and appraisal, part 2, filed on 5/28/2013 - \$46,982.46	
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>		<b>Minute order dated 1/10/2013</b> set this status hearing for the filing of the inventory and appraisal.	
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 6/4/2013</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 21 – Osha</b>

<b>DOD: 6/15/2012</b>		<p><b>ESPERANZA S. BOOKE</b> was appointed as Administrator with full IAEA authority and without bond on 1/9/2013.</p> <p>Letters issued on 1/16/2013.</p> <p><b>Minute order dated 1/9/2013</b> set this status hearing for the filing of the inventory and appraisal.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>3. Need inventory and appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
<b>Cont. from</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

<b>Reviewed by: KT</b>
<b>Reviewed on: 6/4/13</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 22 – Salinas</b>

Atty Herold, Kim M.

Atty Markeson, Thomas A.

Status Hearing Re: Filing of the Inventory and Appraisal

			<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>OFF CALENDAR.</b> Final inventory and appraisal filed on 3/22/2013.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>	
<input type="checkbox"/>	Verified	<input type="checkbox"/>	
<input type="checkbox"/>	Inventory	<input type="checkbox"/>	
<input type="checkbox"/>	PTC	<input type="checkbox"/>	
<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>	
<input type="checkbox"/>	Notice of Hrg	<input type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail	<input type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>	
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>	
<input type="checkbox"/>	Pers.Serv.	<input type="checkbox"/>	
<input type="checkbox"/>	Conf. Screen	<input type="checkbox"/>	
<input type="checkbox"/>	Letters	<input type="checkbox"/>	
<input type="checkbox"/>	Duties/Supp	<input type="checkbox"/>	
<input type="checkbox"/>	Objections	<input type="checkbox"/>	
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>	
<input type="checkbox"/>	CI Report	<input type="checkbox"/>	
<input type="checkbox"/>	9202	<input type="checkbox"/>	
<input type="checkbox"/>	Order	<input type="checkbox"/>	
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>	
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>	
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>	
<input type="checkbox"/>	Citation	<input type="checkbox"/>	
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>	
			Reviewed by: KT
			Reviewed on: 6/4/13
			Updates:
			Recommendation:
			File 23 – Watters-Weiser

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>DOD: 4/14/2012</b>		<p><b>SANTOS PEREZ</b> was appointed Administrator with full IAEA authority and bond set at \$78,000.00 on 1/10/2013.</p> <p>Bond has not been filed and Letters have not issued.</p> <p><b>Unverified Status Report filed on 6/5/2013</b> states Walter L. Clark &amp; Associates advised 6/4/13 that it had been unable to obtain an Administrator Bond on Santos Perez, the petitioner herein, through one insurance company. On 6/4/13 counsel had been advised that the file was filed after that disapproval and it fell through the cracks. Upon inquiry by Petitioner's counsel, the bond application was sent to another bonding company on 6/4/13, and the morning of 6/5/13, counsel for Petitioner was advised the bond application had been approved and is being mailed to counsel today.</p> <p>The bond will be filed sometime next week so that Letters of Administration can be issued.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need bond and Letters to issue.</li> <li>2. Status Report was not verified. Local Rule 7.5B and Probate Code §1021 requires status reports to be verified.</li> </ol>
<b>Cont. from</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 6/4/2013</b></p> <p><b>Updates: 6/6/13</b></p> <p><b>Recommendation:</b></p> <p><b>File 24 – Gonzalez</b></p>	

		<p><b>ERIC SMITH</b> was appointed Successor Trustee of the Elizabeth R. Conroy Revocable Trust for the limited purpose of selling the property located at 1895 E. Brandon Avenue in Fresno on 2-4-13.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 3-25-13:</b> Counsel advises the Court that escrow may be closing today. Matter continued to 5/6/13. The Court directs that upon the closing of escrow, all proceeds be deposited into the trust account with Mr. Franco. Counsel is directed to submit a proposed order. Documents to be submitted by 5/6/13. Continued to 5/6/13</p> <p><b>Note re history:</b> Mr. Smith previously stated that a copy of the trust has not been found; however, he is the only child of the decedent and the title to the house reflected that it was held in trust. Mr. Smith filed a petition to be appointed as trustee, as he needed to sell the house because it was sitting vacant, etc. The Court appointed him for the sole purpose of completing the sale, and set this status hearing for further petition.</p> <p><b>Note:</b> Upon review of the trust, it appears that Mr. Smith is the designated successor trustee and sole heir.</p> <p><b>Note:</b> Petitioner has submitted an Order Dismissing the Petition for Instructions for signature.</p>
Cont. from 032513, 050613			
Aff.Sub.Wit.			
Verified			
Inventory		<p>On 2-4-13, the Court also ordered that the proceeds from the sale shall be held and not distributed pending further instructions from the Court.</p>	<p>The Court set this status hearing for the filing of further petition for instruction and distribution.</p>
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail		<p><b>Declaration filed 6-4-13 states the Decedent's original will and trust have been found. A copy of the trust is attached.</b></p>	<p><b>Mr. Smith requests an order allowing Attorney Paul C. Franco to distribute the proceeds from the sale directly to him pursuant to the terms of the Trust.</b></p>
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 5-1-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 25A - Conroy</b></p>	



DOD: 11/27/12		<b>ASPEN BELL</b> , daughter, was appointed Executor with Full IAEA and bond set in the amount of \$215,980.00 on 04/09/13.  <b>Minute Order from 04/09/13</b> set this matter for status regarding filing of the bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>OFF CALENDAR</b></u> <b>Bond Filed 05/22/13</b>
Cont. from 051013			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: JF	
		Reviewed on: 06/04/13	
		Updates:	
		Recommendation:	
		File 26 – Gintz	

Age:				<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>OFF CALENDAR</b></u>  Final I&A filed 5-29-13
Cont. from				
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc Reviewed on: 6-3-13 Updates: Recommendation: File 27 – Springer	

<b>DOD: 09/06/12</b>		<b>JEANNIE NIX</b> , sister, was appointed Executor with full IAEA without the requirement of bond on 12/10/12.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Letters Testamentary</b> were issued on 12/10/12.	<b><u>OFF CALENDAR</u></b> <b>Inventory &amp; Appraisal filed 12/03/12</b>
<b>Cont. from 051013</b>		<b>Minute Order from hearing on 12/10/12</b> set this matter for status regarding filing of the Inventory & Appraisal.	
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<b>Reviewed by:</b> JF	
		<b>Reviewed on:</b> 06/04/13	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 28 – Bezona</b>	

**ROBERT RICHARDSON, SR.**, Maternal Grandfather, is Petitioner.

**Father (Jasmine): David Massey Jr.**  
- Notice dispensed per min order 6-2-10  
**Father (Aliah): Unknown**  
- Notice dispensed per min order 6-2-10  
**Mother: Darnisha Wadley Richardson**

**Guardian Tina Pierce-Richardson filed an Objection on 5-1-13.**

**Note:** A Probate Mediation Agreement was reached and will be reviewed by the Court at hearing (Page 29B).

File 29 – Richardson

## Page 2

**Guardian's objection states:** The safety of Aliah and Jasmine Richardson is still at risk. Petitioner has a court order that he should not be driving with minors in car. Mr. Richardson allows her to drop off the minors but every time she allows them to go, he feels he needs to bring them home without her consent. Mr. Richardson has no valid driver license. His wife has picked the minors up once but has never brought them home. They still disagree on the fact that the courts have ordered him not to drive with the minors. It's on his record that he has admitted to having a drinking issue. Guardian feels for the safety of the minors until Mr. Richardson gets a valid license. He should have visitation and control his drinking. She tries working with him because the minors love spending time, but does not like the smell of smoke.

## Status Hearing Re: Mediation

Aliah, age 4	<p><b>TINA RICHARDSON</b>, Maternal Step-Grandmother, was appointed Guardian of Aliah on 6-18-09 and of Jasmine on 6-2-10.</p> <p><b>ROBERT RICHARDSON, SR.</b>, Maternal Grandfather, filed a Petition for Visitation.</p> <p><b>On 5-29-13</b>, the parties agreed to participate in mediation.</p> <p><b>On 6-3-13</b>, a Probate Mediation Agreement was provided to the Court.</p> <p>The agreement is signed by:</p> <ul style="list-style-type: none"> <li>• Tina Richardson</li> <li>• Robert Richardson</li> <li>• Attorney C. Michael Farmer</li> </ul> <p>The agreement allows weekend visitation Fri-Sun on the 2<sup>nd</sup> and 4<sup>th</sup> weekends, with only a licensed insured driver to transport the children. The agreement includes additional details:</p> <ul style="list-style-type: none"> <li>• Children to have their own separate bedroom and shall not share a room with Robert Richardson, Jr. (21).</li> </ul> <p>Visitation commenced the weekend of 5-31-13.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
Jasmine, age 3		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 6-5-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 29B – Richardson</b></p>	

## Petition to Determine Succession to Real Property (Prob. C. 13151)

<b>DOD: 6-5-05</b>		<b>ROSANNA SORIA</b> , Spouse, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Continued from 3-27-13, 5-1-13</u>  1. Inventory and Appraisal filed 5-20-13 indicates the value of the estate is \$210,000.00. Therefore, this estate does not qualify for this type of summary proceeding under Probate Code §13150.
		40 days since DOD	
		No other proceedings	
<b>Cont. from 032713, 050113</b>		I&A: \$210,000.00	
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
✓	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	w/o	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 6-5-13
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 13 - Soria</b>

Age: 85 DOB: 11/25/97		<b>MICHAEL H. SMITH, SR.</b> , son is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Petitioner states:</b>	
<b>Cont. from</b>		1. The Public Guardian was appointed as Conservator of the Person and Estate, however, the conservatee's grandson, Michael H. Smith, Jr. ("Butch"), retains the authority to make all medical decisions for the conservatee pursuant to an advance health care directive signed by the conservatee on 06/17/11.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	2. The conservatee has been adjudged to lack the capacity to give informed consent to medical treatment.	
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>	3. Petitioner seeks the termination of Butch's authority as agent for health care under the advance health care directive on the ground that Butch has failed to perform and is unfit to perform the duties required of him under the advance health care directive and is acting in a manner that is clearly contrary to the conservatee's best interest.	
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	4. Under the direction of the Public Guardian, health care workers are present in the conservatee's home from 11am to 7pm daily. Butch and his mother, Robin Kent, provide care for the balance of each day/night.	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/o		
<input type="checkbox"/>	<b>Aff.Pub.</b>	5. Butch clarified his authority to make all medical decisions for conservatee via a motion brought by conservatee, through his attorney, to clarify the Court's previous order appointing the Public Guardian as Conservator of the person and estate. At the hearing on 03/11/13, the Court specifically instructed Butch that he was to take sole responsibility for all aspects of conservatee's health care, including ensuring that he was scheduled for and transported to all necessary doctor visits and that medications were administered as directed by his physicians. Butch was also instructed to coordinate and cooperate with the staff caring for the conservatee.	
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input checked="" type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

Continued on Page 2



6. While the Probate Code gives an agent selected under an advance health care directive priority over others, including a conservator, to make health care decisions, it is also possible to terminate such agent's authority when necessary. Probate Code § 4766(d) provides that a petition may be filed seeking an order declaring that the authority of an agent is terminated where the Court determines both of the following:
  - (1) The agent...has violated, has failed to perform, or is unfit to perform, the duty under an advance health care directive to act consistent with the patient's desires or, where the patient's desires are unknown or unclear, is acting (by action or inaction) in a manner which is clearly contrary to the patient's best interest.
  - (2) At the time of the determination by the court, the patient lacks capacity to execute or revoke an Advance Health Care Directive...
7. Starting immediately after the hearing on 03/11/13, Butch initiated a program whereby he kept personal control of all of the conservatee's medications, despite the fact that he is frequently not at the conservatee's home between the hours of 11:00am and 7:00pm and the fact that the conservatee requires the administration of medication during these hours. Butch refuses to leave any of conservatee's medications in the house or allow the staff hired to care for the conservatee to administer any medication during their shift. Specifically, the conservatee is scheduled to take medication in the morning, at 2:00pm at 7:00pm and at bedtime. Butch frequently leaves the home before the conservatee wakes up in the morning and often does not return during the day to administer the medications for the morning or the afternoon. It is unclear whether Butch is administering the 7:00pm or evening dose as directed by the conservatee's physician. Butch has also been discovered to have administered medication to conservatee that was prescribed to Butch himself.
8. Butch also refuses to keep the staff or the conservator informed about the conservatee's medical appointments. Instead he will simply show up and take the conservatee out of the house with no warning and no information about where he is going. He has also provided incorrect information to staff and the conservator about prescriptions and dosing of medications. He appears to confuse which of conservatee's doctors provide the various parts of conservatee's care and confuses appointments on occasion. It has been necessary for the Public Guardian to contact conservatee's doctors directly to confirm dates and times of appointments to ensure that the staff has the conservatee ready to go when it is time for Butch to take him to a doctor's appointment and to maintain some information about the directions conservatee's various doctors have given for his care, including medication dosing.
9. Butch has unilaterally decided to stop giving conservatee some of the medications prescribed for him, especially Risperidone, during the day. This medication is intended to treat conservatee's anxiety and is especially important in controlling his dementia symptoms later in the day. Without it, conservatee becomes increasingly agitated and combative in the afternoons. It is often difficult to control him and the staff is forced to staff his care with men only. In contrast, conservatee's anxiety and conduct were fairly well controlled when he was taking Risperidone throughout the day as prescribed by his physician.
10. Conservatee's overall health and well-being appear to have deteriorated significantly since Butch was given control over his medical care. Prior to Butch's control, conservatee's medications were consistently given as prescribed during the staff's working hours, his sleep was better regulated, and his dementia and anxiety symptoms were better controlled. Now his symptoms are poorly controlled and staff is concerned that his heart medication is also not being administered as directed.

Continued on Page 3

11. Petitioner believes that Butch has failed to perform or is unfit to perform his duties under the advance health care directive, and that Butch is acting in a manner that is clearly contrary to the conservatee's best interests.
12. This Court has previously determined that the conservatee has dementia and lacks capacity to give informed consent for any form of medical procedure or health care issue. Petitioner submits that, therefore, conservatee lacks the capacity to execute or revoke an advance health care directive or to disqualify a surrogate.

**Petitioner prays for an Order:**

1. Terminating Butch's authority to make medical decisions for conservatee pursuant to the advance health care directive signed by conservatee on 06/17/11;
2. Confirming its earlier finding that the conservatee lacks capacity to give informed medical consent for any purpose;
3. Appointing the Public Guardian, the Conservator of the Person and Estate, as the party with authority to make all medical decisions for conservatee, including, but not limited to, scheduling and attending medical appointments, reporting symptoms to conservatee's physicians, and directing the administration of medications per the conservatee's physician's orders; and
4. Such other and further relief as the Court deems necessary and proper.

**Declaration of Deputy Public Guardian Youa Her in Support of Petition to Terminate Authority of Agent for Health Care in Favor of Conservator filed 05/24/13** states: during the first weeks of the conservatorship, the Public Guardian supervised and attended medical appointments, the administration of medication, and all necessary follow-up care pursuant to doctors' instructions. Throughout this time period, there were regular and sometimes serious problems with Butch interfering with the provisions of necessary medical care for the conservatee. Butch and Robin provided inaccurate information to conservatee's various physicians, were frequently confused about appointments, medication dosages and timing of dosages. On at least one occasion, Butch administered medication not prescribed for the conservatee. Declarant further states that she is informed that Butch refuses to administer certain medications prescribed for the conservatee to address is mounting anxiety and agitation and that the conservatee's medical condition is deteriorating as a result. Shortly after the Public Guardian was appointed conservator, the conservatee required a procedure to clear his arteries. There were numerous doctor's involved and it was clear to the declarant that Butch did not understand the role that each doctor played or care each would provide. He confused the doctors, their roles, and confused appointments. It became necessary for the declarant to confirm all appointments, and to make arrangements for the care staff (Anjaleoni Enterprises) to take the conservatee to those appointments to ensure that everything was done as it should be.

Declarant further states that she is aware that Butch and Robin made very different reports to Anjaleoni staff regarding the conservatee's sleep and well-being at night. While they reported to the staff that the conservatee generally did well at night, they reported to Dr. Sheriffs in mid-February that the conservatee got up frequently during the night. Declarant is also aware of an incident in which Butch administered an inhaler to the conservatee that was not prescribed for the conservatee. Staff followed up and obtained an appropriate prescription for the conservatee to have his own inhaler. Apparently, it did not occur to Butch that he should not give the conservatee medication which was prescribed for another person or that he should address the issue with the conservatee's physician.

Continued on Page 3

On 03/11/13m Butch clarified his authority to make medical decisions for the conservatee. At the hearing, the Court made clear that Butch was henceforward to take sole responsibility for all aspects of conservatee's health care, including ensuring that he was scheduled for and transported to all necessary doctor visits and that his medications were given as directed by his physicians. Butch was also instructed to coordinate and cooperate with the staff that assists the conservatee from 11am – 7pm.

Declarant states that on 03/02/13, Butch took conservatee's medications from the house and informed Susan from Anjaleoni that he intended to maintain custody of all the medications himself and manage administration of said medications. Conservatee requires medication in the morning, at 2:00 pm, at 7:00 pm and at bedtime. The Anjaleoni caregivers had previously been giving the daytime doses with the occasional exception of the morning dose. If the conservatee woke up before 11 am, Robin or Butch would give the morning dose prior to leaving the house. Declarant states that she tried calling Butch about the issue, but had to leave a voice message. Declarant indicated in her message that Butch could not take the conservatee's medications out of the conservatee's home, despite having the advance health care directive. She further instructed him that he could not prevent the Anjaleoni staff from giving the conservatee his prescribed medications during the day unless he made arrangements to do so himself. She requested that the medications be returned to the house immediately; however, Butch continues to maintain custody of the medications and insists on administering them himself. Conservatee is often not awake when Butch leaves the house in the morning and Butch is often late or does not appear for the mid-day dose. It is unclear whether the conservatee is given the early evening or bedtime dose.

Declarant states that on 03/25/13, Butch informed Susan from Anjaleoni that the conservatee no longer needs to take Risperidone, which was prescribed by the conservatee's primary care physician, Dr. Sheriffs for agitation/anxiety. At the same time, she was informed that the conservatee regularly displays increased anxiety and agitation during the daytime hours. Butch appears to discount conservatee's increasing anxiety and the incidents of violence and does not seem to understand that conservatee's physician prescribed the Risperidone in order to control the conservatee's symptoms and that failure to administer the medication as prescribed is contrary to the conservatee's best interests. Declarant states that the conservatee has attempted to attack female care givers and has had to be restrained. Declarant is informed that the conservatee's actions on both occasions is reminiscent of violence he previously displayed on his now deceased wife and that he appears to have confused the caregivers with his memory of his wife. Declarant further states that she is aware that the conservatee threatened Michael Smith's (petitioner's) wife in a similar fashion on a recent dinner outing. All of these incidents have occurred since the conservatee's Risperidone dosage was reduced and two of them have occurred since Butch determined to stop giving the medication altogether. The conservatee has become much less cooperative with the caregivers since the Risperidone has been stopped.

Declarant states that Butch is now refusing to inform the Anjaleoni staff when the conservatee has doctor's appointments and instead simply comes and picks up the conservatee and refuses to state where he is taking the conservatee and why. This makes it difficult for the caregivers to ensure that the conservatee is ready to go when an appointment is scheduled. Declarant has had to contact the conservatee's doctor's herself and provide appointment information to the Anjaleoni staff.

Continued on Page 4

Declarant further states that Butch and Robin have moved into the conservatee's home. It is Declarant's opinion that the conservatee's overall well-being has deteriorated since Butch became solely responsible for his medical care. Butch is unwilling or unable to manage conservatee's care properly, either because he does not have a complete grasp of the nature of the care conservatee requires or because he fails or refuses to take proper and full responsibility for all aspects of necessary care. In either case, the conservatee's health is suffering because of it. Declarant is concerned that it may become necessary to remove the conservatee from his home and place him in an assisted living facility. There are concerns about exposing female caregivers to potential violence against them by the conservatee. The conservatee has also been unwilling to cooperate with male caregivers. It is possible that, if this situation continues to deteriorate, it will no longer be possible to care for the conservatee safely in his home.

**Declaration of Sundari Susan Kendakur in Support of Petition to Terminate Authority of Agent for Health Care filed 05/24/13** states: She is the Executive Director & Administrator of Anjaleoni Enterprises, which has been contracted to provide in home care for the conservatee from 11:00 am – 7:00pm. Conservatee's grandson Butch and Butch's mother Robin, provide the care to the conservatee for the balance of each day. Anjaleoni staff attempts to coordinate daily activities and the administration of medication with Butch and Robin and the staff relies on reports from them to understand how the conservatee is doing during the hours when staff is not in the home. Initially, they took direction regarding medical care for the conservatee from the Public Guardian, because the conservatee lacks capacity and her staff took conservatee to his medical appointments, usually with Butch and sometimes Robin in attendance as well. Anjaleoni staff handled the administration of medication all necessary follow-up care during the hours they were with the conservatee pursuant to doctors' instructions. During this time, there were regular and sometimes serious concerns with Butch confusing the directions or medications for conservatee by his physicians, confusing which doctors provided what type of care and why and even interfering with the provisions of necessary medical care for the conservatee. On the very first day they began providing care, they discovered that Butch was administering an inhaler to the conservatee that had been prescribed for Butch. They contacted conservatee's primary care physician and obtained a prescription for the conservatee. They have attempted to ensure that the conservatee is only given medications that are specifically prescribed for him, according to the dosing instructions given by the physician for that medication and have attempted to ensure that all medications are given as prescribed.

On 01/29/13, Butch informed Anjaleoni that conservatee's physician changed his albuterol (inhaler) dosing. They asked Butch which doctor had given that order for documentation purposes and he stated it was Dr. Fong. Dr. Fong is a surgeon who performed a cardiac procedure on conservatee in mid-February and was not involved in prescribing the albuterol. Declarant contacted the Public Guardian to confirm the change since she had attended the appointment. It turned out Dr. Fong had given specific instructions for another medication, but nothing was discussed about the albuterol.

On 02/08/13, Butch informed Anjaleoni that conservatee had a pre-op appointment the following Monday with Dr. Sheriffs, his primary care physician. This didn't make sense because Dr. Sherriffs was not involved in the upcoming surgery. Declarant contacted the Public Guardian and confirmed that the pre-op appointment was with Dr. Boran, conservatee's cardiologist, not Dr. Sheriffs as Butch had stated. Declarant confirmed that conservatee had a separate appointment scheduled with Dr. Sheriffs the same day that had nothing to do with the surgery. Had they relied on the information provided by Butch, conservatee would have missed his scheduled appointment with Dr. Sherriffs that day and would have gone to the wrong office potentially missing his pre-op appointment with Dr. Boran and possibly delaying an urgent surgical procedure.

Continued on Page 5

On 02/11/13, Butch relayed different facts to Dr. Sherriffs than he had been relaying to the care staff who he had previously told that the conservatee was sleeping well at night. At the appointment with Dr. Sherriffs he reported that conservatee was up as many as 7 times during the night. Over the course of this time, Declarant states that she and the Anjaleoni staff have been unable to rely on Butch or Robin to provide accurate information on conservatee's condition or activities while he is under their care, making it much more difficult for them to provide appropriate care for him during the hours they are caring for conservatee.

On 03/06/11, Anjaleoni staff member Ruby Watson accompanied conservatee to an appointment with Dr. Sherriffs. Butch and Robin were also present. Butch described symptoms to Dr. Sherriffs and based on Butch's information Dr. Sherriffs reduced conservatee's regular dose of Risperidone from two tablets to one. Later that evening, Butch contacted Declarant to inquire as to why the conservatee was only taking one Risperidone now instead of two. He had forgotten about Dr. Sherriffs reducing the dosage based on Butch's account of conservatee's symptoms. At a subsequent visit with Dr. Sherriffs it was determined that a second tablet of Risperidone could be given if conservatee was agitated or anxious and the first tablet did not allay his symptoms.

On 03/11/11, Butch obtained authority to make medical decisions for the conservatee and was specifically instructed by the Court that he was to take sole responsibility for all aspects of conservatee's health care, including ensuring that he attended all scheduled appointments and medications were administered as prescribed. Butch was also told to coordinate and cooperate with the Anjaleoni staff.

On 03/20/13, Butch took possession of all of conservatee's medications and made them unavailable to the Anjaleoni staff thereby restricting the staff from being able to give conservatee his medications at the prescribed times. Declarant contacted Butch about this situation and he stated that the medications were at the house. However, the staff searched the house and was unable to locate the medication. In a second call, Butch informed Declarant that he was handling the medications and there was no medication prescribed for the daytime. Declarant inquired about the afternoon dose of Risperidone and Butch stated that there was no need to take medication in the afternoon. Declarant has sought the assistance of the Public Guardian in this matter, but Butch continues to maintain possession of the conservatee's medications.

On 03/25/13, Butch informed Declarant that conservatee no longer needed to take the Risperidone. Although it was prescribed by Dr. Sherriffs. It is Declarant's understanding that Butch continues to give the conservatee Risperidone at night, but maintains that daytime doses are unnecessary. The conservatee exhibits "sundowners" symptoms in which his agitation and anxiety become more prevalent toward the end of the afternoon. Using Risperidone during the day when needed was keeping these symptoms relatively well controlled. However, since Butch decided to stop the daytime dosing, conservatee exhibits anxiety and agitation on a daily basis, especially in the late afternoon and early evening. He also exhibits fairly serious episodes of combativeness and bouts of violence toward staff on a regular basis and on occasion toward Robin. These symptoms were not present when Anjaleoni initially started caring for conservatee, during the time when his medication was administered routinely as prescribed.

Further, Butch currently keeps all medication information to him, including information about appointments and their outcomes. Butch will come to take the conservatee to an appointment without any notice and it is difficult to ensure that he is ready to leave the house.

Continued on Page 6

Declarant is also concerned that conservatee's sleep schedule and his medication schedule have been skewed to his detriment, especially given his susceptibility to Sundowner symptoms. Declarant is informed that conservatee often stays up very late and the time he wakes up is erratic. There are days when staff arrives to find the conservatee up and seated in his favorite chair having already eaten his breakfast and taken his morning medication. Some days they arrive to find conservatee still in bed and sleeping. Other days he is in bed but awake and no one has helped him out of bed. He is usually still in his pajamas when staff arrives. Typically, morning medication would be given much earlier than 11am, but this is not possible due to conservatee's sleep schedule. Declarant is concerned that he is not receiving proper dosing of medications associated with his cardiac condition based at least in part on his skewed sleep schedule.

Conservatee's son Mike and his wife Lisa visit with conservatee twice a week, often taking him out for a meal. Staff has observed a pattern of behavior on days when the visits are scheduled where Butch has conversations with the conservatee. Following those conversations, conservatee will exhibit agitation about the impending visit with Mike and Lisa. It has become necessary for staff to request that Butch leave the house before each visit to allow them to calm the conservatee down and get him ready for the visit. At the conclusion of most of these visits, it is clear that conservatee enjoyed himself during the visit and usually asks whether Mike and Lisa will come back to visit again soon.

Declarant states that it is her opinion that conservatee's overall well-being has deteriorated since Butch became solely responsible for his medical care. Butch is unable or unwilling to manage that care properly, either because he does not have a complete grasp of the nature of the care conservatee requires, because he fails or refuses to take proper and full responsibility for all aspects of necessary care, or because he simply disagrees with conservatee's doctors and refuses to follow their medical advice and/or direction. Whatever the case, conservatee's health is suffering as a result. Additionally, Declarant and her staff are unable to provide full and appropriate care to conservatee because Butch refuses to keep them informed of his physician's orders and refuses access to provide care appropriately.

Declarant states that she has observed and it has been reported to her that Butch and Robin are living in the conservatee's home and have their personal possessions in the home. Robin stays at the home every night and Butch stays there most nights. Additionally, Robin's husband is present at the home on many occasions when staff arrives in the morning and Butch's son is present at the home on many weekends.

**Declaration of Mike (Butch) Smith, Jr. in Opposition to Motion to Terminate Authority of Agent for Healthcare** filed 05/31/13 states: This dispute stems from issues concerning visitation of conservatee. Declarant states that he and his father (petitioner, Michael Smith) have had disagreements in the past regarding visitation, however, they have entered into a stipulation concerning visitation.

Within minutes after returning home from the court hearing appointing the Public Guardian as conservator, Declarant was contacted at conservatee's house by a member of the Public Guardian's staff and a daytime caregiver. Declarant and his mother, Robin, were informed that they could not be at the home between 11am and 7pm. Declarant states that the office for his business is located in the house and he was subsequently allowed to enter the house during daytime hours for business purposes.

Continued on Page 7

The daytime caregivers do not bathe or dress conservatee. Declarant and his mother take care of those essential needs. He often will not eat the lunch they prepare for him because they don't make him what he likes. To keep his mind active, Declarant often takes conservatee with him when he goes out for certain business functions and to visit family and friends. Declarant enjoys the conservatee's company.

Petitioner's allegation that Declarant refuses to leave conservatee's medications in the house or allow Anjaleoni staff to administer any medications is a gross distortion of the facts. Declarant states that he leaves conservatee's inhaler, which is the only necessary daytime medication. The other medications are administered by Robin and Declarant as prescribed in the morning and the evening. Petitioner's allegation that medication is to be administered at 2pm and 7pm is not correct. The main drug at issue is Risperidone which is prescribed to treat sundowner's symptoms. Declarant states that he has been informed by conservatee's doctor that Risperidone is very potent and carries the risk of certain adverse side effects, including, paradoxically, an increase in agitation. At the end of February 2013 conservatee started to exhibit tremors, which he never had before. In mid-March 2013, Declarant learned that the staff was administering Risperidone to conservatee in the afternoon. However, the staff did not leave the log book or notify either himself or Robin of any changes in conservatee's medication. Declarant states that he was concerned that the increased dosage in Risperidone contributed to the tremors. Conservatee's physician told Declarant that even one Risperidone carries the risk of inducing tremors. In March 2013, the staff obtained an additional prescription for Risperidone from a second doctor, thus two different doctors were writing prescriptions for Risperidone for the conservatee and Declarant was extremely concerned about this.

Declarant states that the allegation that he is sometimes not present at the home when the caregivers arrive is false. He states that he is always present when the caregivers arrive and he administers the daytime medications before he leaves. There are no afternoon medications to administer and he gives the conservatee his evening medication when he returns in the evening.

Declarant states that Petitioner's allegation that he administered his own inhaler to conservatee is not accurate. Declarant states that he and the conservatee have a prescription for the same inhaler (Albuterol Sulfate). He has no knowledge of conservatee using his inhaler, but if he did, it's inconsequential because it is the same medication that's prescribed for the conservatee.

Declarant states that the allegation that refuses to keep the Anjaleoni staff or conservator informed of conservatee's appointments is not correct. He states that he provides 24 hour advance notice to the daytime staff. Further, you never know what conservatee will be doing from one day to the next, sometimes he will make plans to go somewhere and sometimes he changes his mind. Declarant states that he never forces conservatee to come with him.

Declarant states that he has not provided incorrect information to staff and the conservator about prescriptions and dosing of medications. Further, he did not unilaterally decide to stop giving the conservatee some of his prescribed medications, especially Risperidone, during the day. Declarant states that the daytime staff obtained a second prescription for Risperidone from a second doctor. The benefits provided by Risperidone are often evaluated in subjective terms, balancing the agitation against the side effects, including tremors. Declarant does not want a situation where conservatee is turned into a Zombie because of excessive medication for agitation.

Continued on Page 8

The allegation that conservatee's overall health and well-being appear to have deteriorated significantly since Declarant was given control over his medical care is a damn lie. Declarant states that throughout this entire period, his focus has been on conservatee's care. Conservatee was always proud and independent. Declarant and his mother work every day to allow conservatee to continue to live as independently as possible, in his own home, with regular social contact with family and friends. If Petitioner had his way, conservatee would be shut away in an old folk's home. Conservatee, who served in the Pacific theater as a Marine during WWII and who was a farmer and rancher his whole life would never want to be shut away.

Petitioner alleges that the staff is concerned that conservatee's heart medication is not being administered as directed. Declarant is not aware of "heart medication". He is prescribed and administered medications for cholesterol, high blood pressure, and Plavix.

Declarant states that it is and has always been his intention to treat conservatee with the dignity and respect he earned during a long, hard-working, and honorable life. He saw how his grandmother, Jean Smith, was treated when she was placed in a home after Petitioner and the Public Guardian were appointed as her conservator. He has a picture of her lying on the floor of the facility "so she wouldn't fall". Declarant brought her a mat and pillow for her basic comfort. Declarant vowed that conservatee would receive better treatment and have devoted years to caring for him as he aged.

Petitioner continues to use conservatee as a vehicle to engage in conflict with Declarant. Whatever the family disputes, conservatee's care rises above everything. Petitioner seems to have a different agenda, perhaps tied to his concerns about his prior financial dealings with the conservatee,